

February 4, 2005

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**AMENDED INTERLOCUTORY ORDER**

SUBJECT: Summary of Decision  
Department of Development and Environmental Services File No. **E0400548**

**GLENN SHAFFER & DAWN REIMANN**  
Code Enforcement Appeal

Location: 43728 – 228th Avenue Southeast

Appellants: **Glenn Shaffer and Dawn Reimann**  
43728 – 228th Avenue Southeast  
Enumclaw, WA 98022  
Telephone: (360) 802-5228

King County: Department of Development and Environmental Services,  
*represented by Jim Toole*  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7196  
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**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:

Deny appeal

Department's Final Recommendation:

Deny appeal and

Authorize additional time to comply

Examiner's Decision:

Deny appeal;

Authorize additional to comply;  
and Dismiss certain violations

**EXAMINER PROCEEDINGS:**

Hearing Opened:

October 26, 2004

Hearing Continued on Call:

October 26, 2004

Amended order issued:

February 4, 2005

## ISSUES/TOPICS ADDRESSED:

- Equestrian events: rodeo, sorting, team penning
- Building permits

SUMMARY OF ORDER: Code enforcement notice and order is affirmed, with extension of time granted, and portions of the notice and order are dismissed.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & INTERLOCUTORY DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

1. On August 18, 2004, the King County Department of Development and Environmental Services issued a notice of King County Code Violations; civil penalty order; abatement order; notice of lien; duty to notify (“notice and order”) to Glenn W. Shaffer and Dawn E. Reimann. The property subject to the notice and order is located at 43728 – 228<sup>th</sup> Avenue Southeast (also known as 22815 Southeast 436<sup>th</sup> Street) in unincorporated King County. Glenn W. Shaffer and Dawn E. Reimann are the owners of the subject property, reside thereon and operate the business which is the subject of this notice and order.
2. The notice and order alleged violations of the King County Code, International Building Code and International Residential Code, all as specifically set forth in the notice and order. The substance of the alleged violations is:
  - a. Operation of an equestrian event known as “sorting” without required permits;
  - b. Maintaining a partially demolished shed or storage building open to entry, constituting a hazard;
  - c. The placement and occupation of two mobile homes on the subject property without required building permits.
3. The Appellant has ceased operation of the sorting events on the subject property for the current year, and has agreed to apply for a temporary use permit prior to resuming these events. DDES agreed at the conference that this constitutes compliance with civil code violation no. 1 alleged in the notice and order.
4. The Appellants have sealed the storage building on the subject property to entry, and will apply for a building permit prior to further reconstruction or repair of this building. DDES agreed that this constitutes compliance with violation 2 alleged in the notice and order.
5. The Appellant will pursue all necessary permits for the occupation of the two mobile homes on the subject property. This includes obtaining permits from the Seattle-King County Department of Public Health for septic system approval, which is a condition of building permit approval.
6. The Appellants and DDES agreed that a period of time ending in mid-January 2005 is a reasonable period within which the Appellants should obtain building permits for the two mobile homes on the property, or demonstrate substantial progress in obtaining such permits.

Supplementary Finding:

7. The Appellants and DDES have stipulated to a 60-day extension of time in addition to that granted by the Hearing Examiner's October 29, 2004, order in this matter, pending Health Department review.

**CONCLUSIONS:**

1. The violations alleged in the notice and order (exhibit no. 2) existed on the subject property at the time the notice and order was issued. Subsequent to the issuance of the notice and order, the Appellant has brought the subject property into compliance with respect to the first two allegations of code violations, i.e., operation of sorting events on the property without the required permits, and having a partially demolished storage building open to entry on the property.
2. A period of time until mid-January 2005 is a reasonable period for the Appellants to obtain necessary permits for the mobile homes on the subject property, or demonstrate substantial progress in obtaining such permits. The Department of Development and Environmental Services should review the property and status of permit applications prior to the end of January 2005, and issue a supplemental report to the King County Hearing Examiner on the status of this matter.

Supplementary Conclusion:

4. The stipulated 60-day extension of time for permit obtainment is reasonable given the pending required review and approval by the Health Department. The Department of Development and Environmental Services is requested to issue a supplemental report to the King County Hearing Examiner on the status of this matter prior to March 31, 2005.

**AMENDED ORDER:**

The notice and order issued on August 18, 2004 was correct, and the appeal thereof will be DENIED. The Appellants have subsequently brought the property into compliance with respect to violations 1 and 2 set forth in the notice and order, and DDES has waived the imposition of penalties with respect to those two violations.

The Appellants will exercise their best efforts to promptly obtain all necessary permits for the two mobile homes on the subject property, and DDES will review and report to the Hearing Examiner on the status of permit applications prior to **March 31, 2005**. If prior to **March 31, 2005**, permits are not obtained for the single-wide mobile home or further substantial progress not demonstrated in obtaining those permits, that mobile home shall be vacated and sealed on or before **April 15, 2005**. The status of the double-wide mobile home will be reviewed by DDES and reported to the Hearing Examiner prior to **March 31, 2005**.

ORDERED this 4<sup>th</sup> day of February, 2005.

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Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 4<sup>th</sup> day of February, 2005, by certified mail to the following parties:

Glenn Shaffer & Dawn Reimann  
43728 – 228<sup>th</sup> Avenue Southeast  
Enumclaw, Washington 98022

TRANSMITTED this 4<sup>th</sup> day of February, 2005, to the parties and interested persons of record:

Glenn Shaffer & Dawn Reimann  
43728 - 228th Ave. SE  
Enumclaw WA 98022

Suzanne Chan  
DDES, Code Enf.  
MS OAK-DE-0100

Elizabeth Deraitus  
DDES/LUSD  
Code Enf. Supvr.  
MS OAK-DE-0100

Sheryl Lux  
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Patricia Malone  
DDES/LUSD  
Code Enf. Section  
MS OAK-DE-0100

Jim Toole  
DDES, Code Enf.  
MS OAK-DE-0100

#### NOTICE CONCERNING RIGHT TO APPEAL

This decision is an interlocutory order, not subject to appeal. A final decision on this appeal will be subsequently entered by the Hearing Examiner after further review of a supplemental report from DDES.

#### MINUTES OF THE OCTOBER 26, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0400548.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Jim Toole and Sheryl Lux, representing the Department; and Dawn Reimann, one of the Appellants.

Peter T. Donahue, Deputy Hearing Examiner, issued the February 4, 2005, Amended Order.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES Staff Report to the Hearing Examiner
- Exhibit No. 2 Copy of the Notice & Order issued August 18, 2004
- Exhibit No. 3 Copy of Appeal received August 27, 2004
- Exhibit No. 4 Copies of codes cited in the Notice & Order
- Exhibit No. 5 Newspaper article dated July 7, 2004
- Exhibit No. 6 Merriam-Webster Dictionary definition of rodeo and an explanation of "sorting"
- Exhibit No. 7 Copy of Real Estate Excise Tax Affidavit on parcel number 222006-9022
- Exhibit No. 8 GIS zoning map, area map, 2000 & 2002 aerial photos of subject property
- Exhibit No. 9 Pictures of the subject property
- Exhibit No. 10 Web page printout for Team Penning Northwest